

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.69688 of 2025

Arising Out of PS. Case No.-189 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Raj Kumar Mukhiya, aged about 34 years (M) son of Mahangu Mukhiya
 2. Sunil Mukhiya, aged about 27 years (M) Son of Mahangu Mukhiya
 3. Ranjeet Mukhiya, aged about 30 years (M) S/O Mahangu Mukhiya
- All are resident of Village- Basmanpur, P.S.- Muffasil, Dist.- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
Ms. Harsha Shashwat, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 23-02-2026 Heard Ms. Harsha Shashwat, learned counsel
appearing on behalf of the petitioners and Mr. Md. Mushtaque
Alam, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Muffasil P.S. Case No. 189 of 2025, registered for the
offence punishable under Sections 126(2), 115(2), 109, 117(2),
303(2), 352, 351(2) and 3(5) of the B.N.S.

3. As per the allegation made in the FIR, while the



informant was returning back to his home on 24.03.2025 at about 07:00 p.m., petitioners along with other accused persons had surrounded him and started assaulting by means of *lathi-danda* and iron rod causing injury. It is further alleged that when the family members of the informant came to save him, the accused persons had assaulted them also and snatched ear-ring of the mother of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. It is not specific that the injury, which the informant had sustained on his head is attributable either to the petitioners no. 2 or 3. Injury sustained by the informant on his hand, which is grievous in nature is attributable to the petitioner no. 1, however, the same is not on the vital part of the body. There is case and counter case between the parties. Both the parties were involved in dispute with respect to a pathway, due to which, an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioners may have caused some injury to the persons of the informant, without intention. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.



5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that there is case and counter case between the parties. Both the parties were involved in dispute with respect to a pathway, due to which, an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioners may have caused some injury to the persons of the informant, without intention. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned District Court where the case is pending, in connection with Muffasil P.S. Case No. 189 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is



**pending against the petitioners as what has been stated in
paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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